

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to food program terminology and family self-sufficiency grants program and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 47, “Diversion Initiatives,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 239B and section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 239B and section 234.6 and 7 CFR Part 273.

Purpose and Summary

As part of the Department’s five-year rules review process, this proposed rule making updates the name of Iowa’s food assistance program in Division I of Chapter 47. The formal name of Iowa’s program has been changed from the Food Assistance Program to the Supplemental Nutrition Assistance Program (SNAP) to be consistent with the name of the federal program and to alleviate confusion around food benefits that are available.

Division II of Chapter 47 relates to the Family Self-Sufficiency Grants Program. This proposed rule making clarifies that the Bureau of Refugee Services can provide PROMISE JOBS services to refugees who have not yet obtained United States citizenship. A family self-sufficiency grant shall be authorized for removing an identified barrier to self-sufficiency that will enable a PROMISE JOBS participant to either obtain new employment or retain existing employment. This proposed rule making also clarifies the duties of the Department’s division administrator relating to issuing payments and approving local plans for family self-sufficiency grants.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 7, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **441—Chapter 47**, Division I preamble, as follows:

PREAMBLE

These rules implement the Iowa promoting awareness of the benefits of a healthy marriage program. This program uses federal funds from the Temporary Assistance to Needy Families (TANF) block grant to provide information to certain households about the benefits of a healthy and stable marriage. Eligibility for this program also establishes categorical eligibility for the Iowa ~~food assistance program~~ supplemental nutrition assistance program (SNAP) under 441—Chapter 65.

ITEM 2. Amend rule 441—47.1(234), introductory paragraph, as follows:

441—47.1(234) Eligibility criteria. Eligibility for the promoting awareness of the benefits of a healthy marriage program is always determined in conjunction with determination of eligibility for ~~food assistance~~ SNAP under 441—Chapter 65.

ITEM 3. Amend subrule 47.1(1) as follows:

47.1(1) Application. There is no separate application for the program. Eligibility for the program is determined whenever the department determines a household’s eligibility for ~~food assistance~~ SNAP.

ITEM 4. Amend subrules 47.1(4) and 47.1(5) as follows:

47.1(4) Otherwise eligible for ~~food assistance~~ SNAP. The household must meet all eligibility criteria for ~~food assistance~~ SNAP except as provided in this rule. A household that includes a member who is currently disqualified from ~~food assistance~~ SNAP due to an intentional program violation is not eligible for the program.

47.1(5) Minimum ~~food assistance~~ SNAP benefit. The household must be eligible for a monthly ~~food assistance~~ SNAP benefit greater than zero. Households with a monthly ~~food assistance~~ SNAP benefit of zero are not eligible for the program.

ITEM 5. Amend paragraph **47.2(2)“b”** as follows:

b. The household’s ~~food assistance~~ SNAP certification period under 441—Chapter 65 ends.

ITEM 6. Amend rule **441—47.21(239B)**, definition of “Bureau of refugee services,” as follows:

“Bureau of refugee services” or “BRS” means a unit of the department of human services that provides PROMISE JOBS services to refugees who have not obtained United States citizenship.

ITEM 7. Amend subrule 47.22(2) as follows:

47.22(2) The program shall be available for use by the bureau of refugee services (BRS) for PROMISE JOBS participants who are refugees who have not obtained United States citizenship, as delineated in the PROMISE JOBS agreement.

ITEM 8. Amend rule 441—47.24(239B), introductory paragraph, as follows:

441—47.24(239B) Assistance available in family self-sufficiency grants. Family self-sufficiency grants shall be authorized for removing an identified barrier to self-sufficiency when it can be reasonably anticipated that the assistance will enable PROMISE JOBS participant families to obtain or retain employment ~~or obtain employment~~ in the two full calendar months following the date of authorization of payment. For example, if a payment is authorized on August 20, it should be anticipated that the participant can find employment in September or October.

ITEM 9. Amend subrule 47.24(2) as follows:

47.24(2) Types of assistance. The department, in conjunction with IWD and BRS, shall determine those barriers to self-sufficiency which can be considered for family self-sufficiency grants such as, but not limited to, auto maintenance or repair, licensing fees, child care, and referral to other resources, including those necessary to address questions of domestic violence. The IWD service delivery areas and BRS shall have the opportunity to adjust the list of approvable barriers to self-sufficiency based on local resources and circumstances. These adjustments shall be approved by the department division administrator and the appropriate responsible administrator prior to implementation.

ITEM 10. Amend subrule 47.24(5) as follows:

47.24(5) Supplanting. Family self-sufficiency grants shall not be used for services already available through the department, PROMISE JOBS, or other local resources at no cost.

ITEM 11. Amend subrule 47.24(7) as follows:

47.24(7) Issuing payments. Family self-sufficiency grants are PROMISE JOBS benefits and shall be authorized through the PROMISE JOBS expense allowance system. ~~Warrants~~ Payments may be issued to the participants or to a vendor for support services provided to the family. The department division administrator in conjunction with the appropriate responsible administrator shall have discretion in determining method of payment. The IWD service delivery area or BRS shall have the opportunity to adjust these payment options in an individual case based on circumstances and needs of the family with the approval of the department division administrator and the appropriate responsible administrator prior to implementation.

ITEM 12. Amend paragraph **47.25(1)“d”** as follows:

d. Demonstration of how removing the barrier is related to obtaining or retaining ~~or obtaining~~ employment, meeting the criteria from rule 441—47.24(239B).

ITEM 13. Amend rule 441—47.26(239B), introductory paragraph, as follows:

441—47.26(239B) Approved local plans for family self-sufficiency grants. Each IWD service delivery area shall create and provide to IWD the written policies and procedures for administering family self-sufficiency grants. BRS shall create and provide to the department the written policy and procedures for administering family self-sufficiency grants. The plan shall be reviewed for required elements and quality of service to ensure that it meets the purpose of the program and approved by the department division administrator and the ~~IWD division~~ appropriate responsible administrator. The written policies and procedures shall be available to the public at county offices, PROMISE JOBS offices, and at IWD. At a minimum, these policies and procedures shall contain or address the following:

ITEM 14. Amend paragraph **47.26(1)“b”** as follows:

b. How determinations will be made that the service or assistance requested meets the program's objective of helping the family obtain or retain employment ~~or obtain employment~~.